

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

**LAKEVIEW PHARMACY OF
RACINE, INC.,**

Plaintiff,

v.

CATAMARAN CORPORATION,

Defendant

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CIVIL ACTION NO. 3:15-0290

(JUDGE MANNION)

ORDER

Pursuant to the memorandum issued this same day, it is **HEREBY ORDERED:**

- (1)** the plaintiff Lakeview Pharmacy of Racine, Inc.'s First Motion for Leave to Amend the Complaint, (Doc. [30](#)), is **GRANTED IN PART** and **DENIED IN PART**;
- (2)** the plaintiff's request to remove factual allegations relating to the other independent pharmacies that are no longer parties to the action is **GRANTED**;
- (3)** the plaintiff's request to add Count I, a UCC claim, is **DENIED**;
- (4)** the plaintiff's request to add Count II for breach of contract is **GRANTED** insofar as it claims that the defendant's failure to "use 'client or plan parameters, MediSpan or other national source, and internal processes as a reference,' " (Doc. [31](#), Ex. 1, ¶ 119), the defendant's decision to set reimbursement prices below acquisition costs, and the defendant's use of multiple MAC prices

constitute a breach of contract;

- (5) the plaintiff's request to add a claim for breach of contract, under Count II, for the defendant's failure to "implement '[o]ther nationally recognized reference based sources' despite market conditions warranting as much," (Doc. [33](#), Ex. 1, ¶ 119), is **DENIED**;
- (6) the plaintiff's request to add Count IV on a theory of quantum meruit is **DENIED**; and
- (7) the plaintiff shall file an amended complaint which comports with this order and accompanying memorandum by **June 27, 2016**.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Dated: June 13, 2016

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